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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,028	06/30/2000	Kartik Raghavan	MS1-498US	9044

22801 7590 07/28/2005

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/608,028

Applicant(s)

RAGHAVAN ET AL.

Examiner

Carl Colin

Art Unit

2136

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See *Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-36.
Claim(s) withdrawn from consideration: _____.

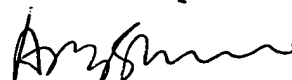
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see note of section 3 below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: In response to Applicant's response to the After Final, filed on 7/1/2005, applicant erroneously states that examiner "contended during the interview that the elements are not explicitly disclosed in Li". Examiner would like to clarify that such statement is false and some of the citations as listed below were provided to applicant to further clarify Li's invention as prior art. and in addition, there was no new ground of rejection presented during the interview, (see Examiner interview summary). Applicant also states that the "grounds of rejection have not been clearly developed to such an extent that applicant may readily judge the advisability of an appeal". In fact, at the end of the interview, applicant asks for suggestion with regard to the claims and examiner responded that the independent claims appear to be very broad and they are interpreted and rejected as claimed. Applicant argues that Li does not disclose making an assessment of computing system resources nor does Li disclose modifying computing system resources based on such an assessment because the Internet access device uses information input to a configuration record by the customer or ISP, "the actions needed to precipitate configuration are the entering of information by the customer and/or ISP" and further argues that Li does not disclose identifier associated with the computer system. Examiner disagrees. Applicant's disclosure (figure 5 description on pages 16-18) uses data structures that contain information input by a user and a control logic scans the record of fields for a match and if there is a match then control logic identifies resources for configuration using the information in fields. Li discloses a command is entered by a user and further discloses in column 12, lines 9-48, the Internet access device validates the entered registration ID; and the Internet access device provides error feedback related to this condition to the user, the failure may be due to a hardware problem, incorrect ID, or configuration server, or any other error. Examples of specific types of information in a configuration record may be found in appendix. Other embodiments are disclosed that involve configuration of Internet access device based on assessment with user input and without user input (see column 11, line 54 through column 12, line 8). See also examples of automated backup of user data, software and other services (column 8, line 58 through column 9, line 10 and (see column 16, lines 5-30 and see also lines 30-52 with emphasis). The other independent claims recite the same inventive concept as discussed above and in the office action. Applicant states that only claims 14 and 16 are amended on page 11 on the response filed on 7/1/2005, but in the remarks, applicant refers to several other claims as amended. The status of some of the claims in the discussion is unclear because it is not consistent with the status in the list of claims. Applicant amends dependent 14 and 16 that recite limitations that were not claimed previously, for instance claim 16 recites now a communications device remote from the computing system that would require further search and/or consideration. For at least the reasons cited above and in the office actions, the request for reconsideration has been considered but does not place the application in condition for allowance.



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